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S E C R E T ABU DHABI 000627

SIPDIS

FOR PM - LOFTIS, NEA/ARPI

E.O. 12958: DECL: 02/20/2016

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SUBJECT: UAE DIPLOMATIC NOTE TO INFORM EMBASSY OF
"EXPIRATION" OF DEFENSE COOPERATION AGREEMENT

REF: ABU DHABI 0361 (STADIS)

Classified By: DCM Martin Quinn, reasons 1.4 (b) and (d).

1. (S) Embassy has received diplomatic note N1/3/7-A.S-11 dated February 14, 2006 from the Ministry of Foreign Affairs, United Arab Emirates.

2. (S) Begin text (translation from Arabic):

Top Secret (United Arab Emirates classification equivalent to Secret)

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The United Arab Emirates Ministry of Foreign Affairs presents its best regards and respect to the Embassy of the United States of America in Abu Dhabi.

We would like to inform the honorable Embassy that the military cooperation agreement between the United Arab Emirates and the United States of America signed on 07/23/1994 in Abu Dhabi will expire on 07/23/2006 based on article (9) of the agreement which states it is in effect for 12 years.

Since the implementation of the agreement faced some shortcomings and hurdles during that period, the United Arab Emirates government would like to make a few improvements to the agreement in order to strengthen and better serve the special relations between our countries.

The Ministry will provide the honorable Embassy with its observations about the agreement at a later time.

The Ministry takes this opportunity to express its best regards and respect to the honorable Embassy.

End text.

3. (S) Comment: This diplomatic note appears to signal the UAE's desire to recommence discussions on areas of disagreement in our DCA. The UAE told us at the Joint Military Commission (JMC) meeting in Abu Dhabi in January 2005 that they would correspond with the Embassy about DCA. An opportune time for the two sides to discuss the status of the DCA would be at a future JMC planned, but not yet scheduled, for April-May this year. The areas of disagreement remain:

-- Jurisdiction: Article IV states that the U.S. has criminal jurisdiction over U.S. personnel in the performance of their official duties. This was a major concession by the UAE but has been under constant scrutiny.

-- Applicability: Article VI states that the DCA covers military and civilian personnel of the U.S. Armed Forces and their dependents. There has been concern on the details of applicability. An Embassy proposal identified four groups of U.S. personnel to further define applicability, but it was not adopted.

-- Ratification: The DCA states that the agreement is effective upon signature. The DCA was signed before presentation to the UAE Cabinet for approval and therefore does not have wide acceptance outside of the General Headquarters (GHQ) of the UAE.

-- Agreement expiration: The UAE appears to be under the impression that the DCA expires after 12 years. According to Article 9, the DCA remains in force in perpetuity after "an initial term of 12 years" unless one of the parties gives "one year's written notice" of its intent to withdraw.

End Comment.

4. (S) Per reftel, Embassy requests Department guidance on possible way forward for the DCA, including coordinated State-DoD instructions for responding to the UAE's diplomatic note such as revival of the Joint Committee and exploring with DoD the possibility of reviewing C-175 negotiating authority.

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